The specification of which

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OPTICAL RECORDING MEDIUM AND RECORDING METHOD FOR THE SAME

a. I is attached hereto			
b. 🛛 was filed on	as application serial	no and w	vas amended on
(if applicable) (in the case	of a PCT-filed application) described	and claimed in international no	o. <u>PCT/JP00/04713</u> filed on <u>July 13.</u>
2000 and as amended on]	December 13, 2000 (if any), which I have	ve reviewed and for which I so	olicit a United States patent.
I hereby state that I have a by any amendment referred I acknowledge the duty to Code of Federal Regulation. I hereby claim foreign printerior's certificate lister filling date before that of the control of the contr	reviewed and understand the contents of the dot above. disclose information which is material ons, § 1.56 (attached hereto). ority benefits under Title 35, United State of the dots and have also identified below the application on the basis of which princed to the dots and the dots of the do	to the patentability of this apparetes Code, § 119/365 of any for any foreign application for patentability.	lication in accordance with Title 37, oreign application(s) for patent or
=	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER	35 USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE
	AT DICATION NUMBER	(day, month, year)	(day, month, year)
Japan	11-201212	15 July 1999	
Lapan	11-201212	13 July 1222	
	ALL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	APPLICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE
		(day, month, year)	(day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent Trademark Office connected herewith:

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	Reg. No. 40,481	Kowalchyk, Katherine M.	Reg. No. 36,848
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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all determines made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2 Office post Office Address Signature of Inventor 201: Full Name Family Name Family Name Family Name Family Name First Given Name Second Given Name Signature of Inventor 202: Full Name Full Name Family Name First Given Name Second Given Name Signature of Inventor 202: Full Name Family Name Family Name First Given Name Second Given Name Second Given Name Signature of Inventor 202: Full Name Family Name First Given Name Second Given Name Signature of Inventor 202: Full Name Family Name First Given Name Second Given Name Seco		T	Ti A Cinna N		Second Given Name
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2 Off-pventup BORA Keiichiro Residence City State or Foreign Country Japan Japa	Signature of inventor 201:			-	January 31, 2001
Residence City Hyogo Family Name First Given Name Kenichi Post Office Address City State or Foreign Country Japan Signature of Inventor 202: Full Name Of Inventor City State or Foreign Country Japan First Given Name Kenichi Family Name NishiUCHI Family Name Citizenship Japan State & Zip Code/Country Japan First Given Name Kenichi Fost Office Address City State or Foreign Country Japan State & Zip Code/Country Japan Full Name First Given Name Yoshihisa Fost Office Post Office Address State & Zip Code/Country Japan State &	Full Name	Family Name	First Given Name		Second Given Name
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Full Name Of Inventor NISHIUCHI Residence City State or Foreign Country Japan Japan Second Given Name (Citizenship Japan Voska 573-1135/JAPAN Signature of Inventor 203: Full Name Family Name First Given Name Kenichi Total Name Fukushima First Given Name First Given Name Fukushima First Given Name First Given Name Fukushima First G	Signature of Inventor 2	102: Keichiro Ito	vai	Date:	January 31,2001
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Of Inventor Residence Residence City Osaka Post Office Address 14-C-508, Sekime 6-chome, Joto-ku, Osaka-shi Signature of Inventor 204: Full Name Publisha Family Name OSHIMA Post Office City State or Foreign Country Japan State & Zip Code/Country Osaka 536-0008/JAPAN Date: January 31, 200/ Full Name OSHIMA First Given Name Mitsuaki Residence & City & Citizenship Japan Second Given Name Mitsuaki ORAGICAL State & Zip Code/Country Japan Second Given Name Mitsuaki Second Given Name Mitsuaki State or Foreign Country Japan State & Zip Code/Country Japan State & Zip Code/Country State & Zip Code/Country Japan State & Zip Code/Country	Full Name				
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Signature of Inventor 205: Pattrack Oshin February 9, 200					



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- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary consideration of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.